

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD LOOS

Plaintiff,

- against -

COMFORT INNS, INC. and CHOICE HOTELS
INTERNATIONAL, INC.

Defendants.
-----X

**NOTICE TO
PRODUCE**

Index No.: 07-CV-6723 (PKL)

Assigned Judge:
Hon. Peter K. Leisure

PLEASE TAKE NOTICE that demand is hereby made upon PALISADES LODGING CORPORATION, trading as COMFORT INNS, INC., for discovery and inspection and copying of the following pursuant to Federal Rule 34, to deliver to the offices of **MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.**, 530 Saw Mill River Road, Elmsford, New York 10523, within twenty-days (20) days after service of this notice:

1. A copy of all written rules, policies and/or procedures regarding the distribution of room keys to guests and non-guests of the hotel.
2. Copies of all agreements and/or contracts between PALISADES LODGING CORPORATION, trading as COMFORT INNS, INC. and RONDAVEL MANAGEMENT CORPORATION.
3. Copies of all incident reports regarding incident between KENNETH WEISS and RICHARD LOOS, which took place on August 15, 2007.
4. Copy of all agreements and/or contracts between PALISADES LODGING CORPORATION, trading as COMFORT INNS, INC. and AUDITORS EXPRESS INC.

PLEASE TAKE FURTHER NOTICE, that this demand is a continuing demand and the demanding party will object at the trial to the introduction of any testimony or evidence which flows from the existence of such documents or information which have not been produced.

PLEASE TAKE FURTHER NOTICE, that in lieu of producing the items demanded herein, the plaintiff may submit to the undersigned, true and conformed copies of the items demanded herein at any time prior to the aforesaid date.

PLEASE TAKE FURTHER NOTICE, that upon your failure to produce the aforesaid items at the time and place required in this notice, a motion will be made for the appropriate relief to this Court.

Dated: Elmsford, New York
October 30, 2007

By: _____
James M. Skelly (4844)

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**
Attorneys for Defendant
**CHOICE HOTELS
INTERNATIONAL, INC.**
530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-3701
File No. 308.79853

TO:

LAW OFFICES OF DONALD L. FRUM
Attorneys for the Defendant
PALISADES LODGING CORPORATION,
trading as COMFORT INNS, INC.
565 Taxter Road - Suite 150
Elmsford, New York 10523
(914) 347-5522

LAW OFFICES OF ELIOT F. BLOOM, P.C.

Attorneys for Plaintiff

RICHARD LOOS

114 Old Country Road, Suite 308

Mineola, New York 11501

(516) 739-5300

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
 : ss.:
COUNTY OF WESTCHESTER)

MARTHA AGIS, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Pearl River, New York.

On the ____ day of October, 2007 deponent served the within **NOTICE TO PRODUCE** upon the parties herein stated below, by depositing and mailing same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, at the following addresses:

TO:

LAW OFFICES OF DONALD L. FRUM
Attorneys for the Defendant
PALISADES LODGING CORPORATION,
trading as COMFORT INNS, INC.
565 Taxter Road - Suite 150
Elmsford, New York 10523
(914) 347-5522

LAW OFFICES OF ELIOT F. BLOOM, P.C.
Attorneys for Plaintiff
RICHARD LOOS
114 Old Country Road, Suite 308
Mineola, New York 11501
(516) 739-5300

MARTHA AGIS

Sworn to before me on the
____ day of October, 2007.

NOTARY PUBLIC

{NY031663.1}